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Question of East Timor

Report of the Secretary-General

1. The present report is submitted in pursuance of paragraph 8 of Security Council resolution 1236 (1999) of 7 May 1999, in which the Council requested me to keep it closely informed of the situation in East Timor and to report to it by 24 May 1999 on the implementation of that resolution and of the Agreements reached on 5 May 1999 by the Governments of Indonesia and Portugal and the United Nations (see A/53/951-S/1999/513). The Council requested me, in particular, to specify the detailed modalities of the consultation process to be conducted by the United Nations and to present detailed recommendations on the mandate, size, structure and budget of the United Nations mission, including civilian police officers.

2. In implementation of the above requests, I dispatched an assessment team to East Timor from 4 to 15 May to evaluate the political and security situation on the ground, to discuss with the Indonesian authorities the facilities available in Dili and elsewhere for the establishment of the United Nations mission and to obtain the necessary information to enable the Secretariat to draw up a detailed operational plan for the consultation.

3. The Security Council will be aware of the very tight time-frame for the operation resulting from the decision by the parties to set 8 August 1999 as the date for the ballot. In addition, the difficult terrain and limited infrastructure of East Timor further complicate the task. The Territory, 14,500 square kilometres in size, is about 265 kilometres from east to west, and is dominated by a central mountainous spine reaching almost 3,000 metres at its highest point. Most roads throughout the Territory require four-wheel drive vehicles, and existing communications infrastructure is limited. East Timor is not a contiguous Territory, as it also includes the enclave of Ocussi Ambeno, situated in West Timor some 120 kilometres west of the East Timor/West Timor border, as well as the islands of Atauro and Jaco.

4. In accordance with the overall Agreement between the Governments of Indonesia and Portugal and the two supplementary Agreements between the United Nations and the two Governments (A/53/951-S/1999/513, annexes I-III), I propose the establishment of the United Nations Mission in East Timor (UNAMET) to organize and conduct a popular consultation in order to ascertain whether the

East Timorese people accept or reject the proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia. The deployment of UNAMET will also enable me to discharge my responsibility as stipulated in paragraph 3 of the Agreement regarding security (ibid., annex III).

5. Three essential conditions must be met for UNAMET to be effective. First, it must at all times have the full confidence and backing of the Security Council. Secondly, it must function with the full cooperation of the Indonesian authorities. Thirdly, it must have the resources necessary to carry out its tasks. I shall keep the Council informed of developments relating to the functioning of the Mission and seek the Council's guidance, as appropriate.

6. UNAMET must enjoy the privileges and immunities, freedom of movement and communication and other facilities necessary for the performance of its tasks. I shall seek to conclude with the Government of Indonesia, as soon as possible, a status-of-mission agreement.

7. UNAMET will carry out its tasks objectively and impartially. Its personnel shall neither seek nor accept instructions from any source external to the United Nations.

8. Jamsheed Marker will continue to serve as my Personal Representative for East Timor. As the Council is aware, I have decided to appoint Ian Martin as my Special Representative for the East Timor Popular Consultation and as Head of UNAMET. The Mission will include political, electoral, civilian police, information and administrative/financial components, the heads of which will report to the Special Representative. Human rights will be integrated in different aspects of the Mission's components. In addition, the Mission will include a small component to monitor humanitarian developments in the Territory and advise the Special Representative on humanitarian issues.

9. At full deployment, UNAMET will have 241 international staff members and 420 United Nations Volunteers, up to 280 civilian police, as well as some 4,000 local staff. Given the limited time period before the consultation, the personnel for UNAMET are being recruited as speedily as possible, while at the same time ensuring high standards of efficiency and the security of United Nations personnel. Thus, the deployment of UNAMET will begin with the establishment of a headquarters in Dili, to be followed by seven regional centres, with a possible further expansion at the subregional level.

Political component

10. In order to monitor the overall implementation of the three Agreements concluded on 5 May in New York, UNAMET will include a political component, consisting of a Chief Political Officer, who will head the component and will report to the Special Representative, and 15 Political Officers, who will be deployed in each of the Mission's regional centres. In addition, a Senior Political Officer will be posted in Jakarta to serve as liaison with the Indonesian authorities.

11. The political component will be responsible for monitoring the fairness of the political environment and ensuring the freedom of all political and other non-governmental organizations to carry out their activities peacefully. It will monitor and advise the Special Representative on all matters that have political implications for the effective holding of the popular consultation.

Electoral component

12. The electoral component will be responsible for all activities related to registration and voting. The core staff at UNAMET headquarters will be headed by a Chief Electoral Officer, complemented by 16 regional staff. An additional 400 polling officers will be provided through the United Nations Volunteers.

13. The external polling called for in the Agreements will be conducted on behalf of the United Nations by the Australian Election Commission and the International Organization for Migration (IOM). This external polling will be coordinated through the IOM field coordinator, the Electoral Assistance Division of the United Nations Secretariat and the electoral component based in Dili.

14. It is my intention to appoint three eminent international experts to serve as members of the Electoral Commission, which will be responsible for the overall assessment of the consultation process and for hearing any complaints, challenges or disputes thereon. The Commission, the terms of reference of which are being prepared, will be an independent body with final decision-making authority. The Chief Electoral Officer may attend and address meetings of the Commission.

Popular consultation modalities

15. The recent assessment mission confirmed that the voting population in East Timor is estimated at approximately 400,000 people, spread in 13 districts, subdivided into 62 sub-districts and 462 municipalities. I propose to establish 200 centres inside East Timor where registration and polling will take place. Approximately 40 per cent of the eligible voters are located in the Dili-Aileu-Manatuto-Baucau region in the north of the Territory, which is the most accessible. Specific logistical plans are being laid down for this region and for the east, south and west of the Territory, as well as for the enclave of Ocussi Ambeno, which differ significantly in terms of conditions and requirements.

16. For purposes of the consultation, the districts will be divided into eight regional centres. Each centre will be staffed by two international supervisors. All participants in the consultative process will be required to register specifically for the polling on 8 August 1999. Registration will take place over 20 consecutive days at the 200 registration centres. At its conclusion, registration lists will be posted publicly for a period of five days. For the polling, the registration centres will be subdivided into 700 polling stations. External polling will follow an identical timetable.

17. Since the United Nations is itself organizing and conducting the popular consultation in East Timor, UNAMET will not be responsible for assisting or coordinating international observers. For those who may wish to observe, the

United Nations will be responsible for accreditation and the provision of an observer code of conduct. However, all arrangements for international observation, including transport, accommodation and security, are outside the responsibility of UNAMET.

18. The schedule of activities outlined in the Agreement regarding modalities (A/53/951-S/1999/513, annex II) is being strictly adhered to. Instructions and procedures on all aspects of the consultative process are currently being drafted within the Electoral Assistance Division of the Secretariat. These include directives on the registration process, documentation, appeals, codes of conduct, external polling and counting. Ballot design is being discussed, and procurement will be initiated shortly for such items as ballot boxes, ballot papers, voting compartments, seals and other requisites.

Information activities

19. In order to provide the East Timorese with the information necessary to make an informed choice on 8 August, and in accordance with the Agreement on modalities, which calls for the United Nations to conduct an information campaign, UNAMET will include an information component to explain to the East Timorese people the terms of the main Agreement and the autonomy framework (A/53/951-S/1999/513, annex I, appendix). It will also provide information on the process and procedure of the vote and explain the implications of a vote in favour of or against the proposal. The information campaign will be conducted in an objective and impartial manner, without prejudice to any position or outcome.

20. The information campaign, which will last for the duration of the Mission, will be conducted over radio, on television and through print, using existing facilities insofar as possible, and by such means as public meetings and other public outreach programmes. The campaign will be conducted in the Tetum, Bahasa Indonesia and Portuguese languages. Information will also be provided through United Nations Headquarters and United Nations information centres for those East Timorese living outside the Territory.

21. The assessment team found a willingness among local media providers to cooperate with the United Nations by making broadcast and production facilities available. A high priority will be given to securing access to the airwaves on all available broadcast channels, as well as to existing production facilities, through an exchange of letters or other written agreements with those responsible for the facilities. In order to guarantee rapid and unimpeded production, consideration is also being given to setting up a small radio and television production facility for UNAMET.

Security situation

22. As I noted in my previous report, according to article 3 of the overall Agreement (A/53/951-S/1999/513, annex I), the Government of Indonesia is responsible for maintaining peace and security in East Timor in order to ensure that the popular consultation is carried out in a fair and peaceful way in an atmosphere free of intimidation, violence or interference from any side. In the Agreement regarding security (ibid., annex III), its signatories agreed that a

secure environment devoid of violence or other forms of intimidation was a prerequisite for the holding of a free and fair ballot in East Timor, and further, that the absolute neutrality of the Indonesian Armed Forces (TNI) and the Indonesian police was essential in this regard. In my last report, I drew the attention of the Security Council to the high level of tension and political violence that are prevalent in East Timor and indicated the main elements that would need to be in place in order to enable me to determine that the necessary conditions exist for the start of the operational phases of the consultation process.

23. Despite repeated assurances that measures would be taken by the Indonesian authorities to ensure security in East Timor and curtail the illegal activities of the armed militias, I regret to inform the Security Council that credible reports continue to be received of political violence, including intimidation and killings, by armed militias against unarmed pro-independence civilians. I am deeply concerned to learn from the assessment team that, as a result, the situation in East Timor remains extremely tense and volatile. While the team was in Dili, several shootings occurred on the outskirts of the city, the house of the head of a local human rights organization was vandalized and a clash took place between pro-integration and pro-independence militias, resulting in the deaths of at least three people. Furthermore, there are indications that the militias, believed by many observers to be operating with the acquiescence of elements of the army, have not only in recent weeks begun to attack pro-independence groups, but are beginning to threaten moderate pro-integration supporters as well. Truckloads of pro-integration militia are able to roam about freely in the towns and to set up checkpoints along the roads without any intervention from the army or the police. While accurate information about the militias is not readily available, there would appear to be currently some 24 such groups spread around the Territory. Most of the pro-independence leaders have fled from Dili or gone into hiding. Only one leader from the Timor National Resistance Council, Leandro Isaac, who had taken refuge at the police headquarters in Dili, was available to meet some members of the team during their stay in East Timor.

Commission on Peace and Stability

24. The Commission on Peace and Stability, established on 21 April by representatives of the pro-independence and pro-integration sides, the local government and the local police and military commanders, has yet to become operational, despite the call in the Agreements of 5 May for it to become operational without delay. This is largely attributable to the inability of the pro-independence representatives to participate freely owing to the physical threats posed by the armed militias. Under the Agreement regarding security, the Commission, in cooperation with the United Nations, was entrusted with the task of elaborating a code of conduct, by which all parties should abide, for the period prior to and following the consultation, ensuring the laying down of arms and adopting the necessary steps to achieve disarmament. I intend to make every effort to enable the members of the Commission to meet and to begin this important work, and UNAMET will be taking up the issue of security and protection for members of the Commission with the local police and military. I will also seek to ensure the full participation of the United Nations in the work of the Commission. I must underline the importance, for the credibility of

the consultation process, of ensuring the free participation of representatives of all political viewpoints in the Commission and, more broadly, in the debate and campaign on the special autonomy proposal.

25. I welcome and strongly support the efforts made by Bishop Belo, through the Commission on Peace and Justice, to launch the Dare II reconciliation meeting, which is aimed at bringing about peace and reconciliation among the various factions that exist within East Timorese society.

Security measures

United Nations civilian police

26. According to article 4 of the Agreement regarding security (A/53/951-S/1999/513, annex III), the local police are to be solely responsible for the maintenance of law and order, although there appear to be a number of constraints that have prevented the local police, thus far at least, from assuming that responsibility. The tasks of United Nations civilian police will be to act as advisers to the Indonesian police in the discharge of their duties and, at the time of the consultation, supervise the escort of ballot papers and boxes to and from the polling sites. To carry out these tasks, a total of up to 280 experienced civilian police officers will be required for deployment in Dili, the eight districts where electoral offices are to be established and the 200 registration/polling centres. The first team, composed of headquarters staff, will be dispatched by mid-June. As the head of the civilian police component, a Civilian Police Commissioner will be appointed from among Member States contributing police personnel.

27. It would be my intention, given the important role played by the Indonesian armed forces in East Timor, to assign a number of military liaison officers to maintain contact with their Indonesian counterparts. This would assist the Mission in the discharge of its responsibilities under articles 3 and 7 of the overall Agreement and paragraphs 1 and 3 of the Agreement regarding security. I am examining this possibility and will be reporting to the Security Council as soon as consultations have been completed.

Security of United Nations personnel

28. My assessment teams have been well received in East Timor. However, they have noted that unrealistic expectations of the United Nations role exist among some East Timorese which cannot be met in full. UNAMET will be taking a clear stand against acts of intimidation from any quarter. The Indonesian authorities will be fully responsible for the security of United Nations personnel and have given the Secretariat assurances in that regard. The United Nations will be in close contact with them to discuss specific measures, including the protection and, if necessary, extraction of United Nations personnel deployed in remote locations.

Budget of the United Nations Mission in East Timor

29. A budget comprising total costs for UNAMET, except those associated with the civilian police component, has been submitted to the General Assembly in

document A/C.5/53/61. I have sought commitment authority from the Assembly so that the operation may proceed smoothly. Cost estimates for the civilian police and possible military liaison component (see para. 27 above) will be submitted shortly. As I indicated in my last report to the Security Council, I have established a Trust Fund for East Timor, which has been utilized to cover various expenses associated with the launching of the Mission. I am grateful to those Member States that have already contributed to the Fund.

Conclusions and recommendations

30. Every effort is being made to deploy the Mission as rapidly as possible. The deployment will occur in phases and will inevitably be dependent upon security conditions in the Territory and, given the logistical challenges and limited infrastructure, on the timely availability of the necessary personnel and other resources.

31. UNAMET will also depend upon the full cooperation of the Government of Indonesia and the local authorities in East Timor. I am pleased to note that, thus far, this cooperation has been forthcoming and fruitful. As I have indicated above, UNAMET must enjoy the privileges and immunities, freedom of movement and communication and other facilities necessary for the effective performance of its tasks. I shall seek to conclude with the Government of Indonesia, as soon as possible, a status of mission agreement to ensure the smooth running of the operation.

32. I wish to remind all concerned of the importance of the measures outlined in paragraph 6 of my previous report, which the Indonesian authorities need to take in order to ensure a free environment for the consultation. These include the bringing of armed civilian groups under strict control and the prompt arrest and prosecution of those who incite or threaten to use violence, a ban on rallies by armed groups while ensuring the freedom of association and expression of all political forces and tendencies, the redeployment of Indonesian military forces and the immediate institution of a process of laying down of arms by all armed groups well in advance of the holding of the ballot.

33. Whatever the outcome of the popular consultation, there will be a pressing need for reconciliation between the various competing factions within East Timor. The work of the two East Timorese Bishops and others to promote dialogue and bring about reconciliation between the pro-independence and pro-integration sides constitutes an important element in the overall effort to achieve a peaceful solution to the East Timor question.

34. It is my sincere hope that all necessary steps will be taken to improve the security conditions in East Timor, so that the consultation process can move forward in a secure and peaceful atmosphere. With continued close and effective cooperation between the Indonesian authorities and the United Nations, the security situation ought to improve to allow for a peaceful and secure consultation process. To that end, I also recommend that every effort be made to make the Commission on Peace and Stability operative.

35. I would like to recall that, as stipulated in the Agreement regarding security, I am called upon to ascertain, prior to the start of the registration

and based on the objective evaluation of UNAMET, that the necessary security situation exists for the peaceful implementation of the operative phases of the consultation process. I wish to assure the Security Council that I intend to carry out that responsibility with the utmost care.

36. The Agreements of 5 May constitute an historic opportunity to resolve the question of East Timor. The Governments of Indonesia and Portugal are to be justly congratulated on their efforts thus far. Upon its establishment, UNAMET will do its utmost to enable the East Timorese to freely express their will regarding their future.

37. In conclusion, I request the Security Council to approve the mandate of UNAMET and the modalities for the implementation of the popular consultation process. I shall continue to report to the Council at regular intervals.